



6P/1713

COPY OF PAPERS
ORIGINALLY FILED

OF: SCHADE ET AL.

CONFIRMATION No.: 6064

SERIAL No. 08/325,219

GROUP ART UNIT: 1713

FILED: OCTOBER 21, 1994

EXAMINER:

TATYANA ZALUKAEVA

FOR: THE USE OF COPOLYMERS OF CARBOXYLIC ACIDS AND LONG CHAIN
COMPOUNDS WITH ISOLATED C-C MULTIPLE BONDS AS THICKENERS
OR DISPERSANTS

I hereby certify that this correspondence is being
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sioner of Patents and Trademarks, Washington, D.C.
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Herbert B. Keil

Person Making Deposit

Signature

June 12, 2002

Date of Signature

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

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PETITION UNDER 37 C.F.R. §1.181
TO WITHDRAW THE HOLDING OF ABANDONMENT

Sir:

Applicants hereby petition to the Honorable Commissioner to withdraw the holding of abandonment indicated in the Notification dated May 31, 2002 (*marked as Paper No. 23*).

STATEMENT OF MATERIAL FACTS:

1. On March 20, 2002 (*indicated date of Mailing*), the Board of Patent Appeals and Interferences issued a decision sustaining the appealed rejection.
2. On May 20, 2002, applicants filed a continuation application under 37 C.F.R. §1.53(d) (*copy of Form PTO/SB/29 enclosed*), along with a preliminary submission including a preliminary amendment of the claims (*marked as Paper No. 23; copy enclosed*).
3. In a Notification dated May 31, 2002, the Examiner indicated that the application is abandoned because the period for seeking court review of the Board's decision had expired and because there were no allowed claims.

M E M O R A N D U M

37 C.F.R. §1.53(d) provides that a continuation application may be filed before termination of proceedings on a prior application, "before" meaning in this context "*not later than*" (ie. *MPEP* §711.02(c)).

In light of the Boards decision of March 20, 2002, the proceedings in the prior application were terminated on the date on which the time for an appeal to the court or review by civil action expired, ie. May 20, 2002, (ie. 37 C.F.R. §1.197(c) and §1.304). Accordingly, applicants' continuation application was timely submitted. A holding that application Serial No. 08/325,219 was abandoned is, therefore, not deemed appropriate.

C O N C L U S I O N

Applicants therefore respectfully request that the holding of abandonment dated May 31, 2002, be withdrawn and that the application be returned to the Examiner for entry and full consideration of applicants' continuation application. Favorable action is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF



Herbert B. Keil

Reg. No. 18,967

1350 Connecticut Ave, N.W.
Washington, D.C. 20036
(202) 659-0100

Encl.: copy of Form PTO/SB/29
copy of CPA Preliminary Submission/Amendment

HBK/BAS